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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,985	08/04/2003	Ronald L. Birkelbach	02-429-US	7477

7590 05/24/2006

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EXAMINER
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PALADINI, ALBERT WILLIAM

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,985	<b>Applicant(s)</b> BIRKELBACH ET AL.	
	<b>Examiner</b> Albert W. Paladini	<b>Art Unit</b> 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Matheson (5794172).

Matheson discloses computer system and method for designing transit systems in figure 4. The data base engine, not shown, stores and provides data related to a transit system including track data, which is described in (C15, L1-7). Mathew discloses a simulation engine 318, which is described from (C16, L66) to (C17, L25). The graphics engine 334 is described in (C18, L27-30), and the three-dimensional display capability is disclosed in (C11, L29-30). The methodology of the system, disclosed in (C27, L46-56) and (C28, L47-61), includes the track data, the position data, and the topology, and is depicted in figure 8. The power parameter adjuster 234 provides reports to the dispatcher as depicted in figure 11.

***Relevant Prior Art***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Olmstead (5456604) discloses a model railroad control system, which controls one or more model locomotives or trains in a manner, which simulates a real train, and the system provides the capability to determine the operational characteristics of one or more locomotives operating as a multi-unit.

Van Lookeren Campagne (5810596) discloses an apparatus for simulating the motion of railroad vehicles, including acceleration, pitch and roll excursions, in order to convey a realistic feeling of the movements of rail and road based vehicles for the user.

Mamitsu (5951018) discloses a simulated driving game machine, which includes a swing structure and guide tracks arranged in a manner to simulate acceleration, braking and realistic physical responses to the motion changes.

Bragdon (6261100) discloses a transportation simulation system with an auditory system invention which provides motion-correlated, three-dimensional realistic sound sources, coordinated with the full ranges of the other sensory systems databases. The auditory database includes emanating from surface contact, from contact with three dimensional objects that the vehicle may encounter, from the vehicle during operation, and sounds that reflect the weather environment. The transportation simulation system utilizes a high fidelity audio cuing system to supplement the visual and motion cues. This system provides directional aural cuing to simulate the sounds originating from the simulated vehicle, such as an engine, drive train, tire, pothole, road seams, rail or aerodynamic noises. These cues are correlated with the operating conditions of the simulated vehicle. The audio cuing is also capable of providing sources which normally originate from outside the vehicle, such as: random traffic noise, train or rail crossing warnings, boat whistles, reflection and Doppler effects associated with approaching, passing and receding sound sources such as: emergency vehicles, stationary roadway and terrain features.


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4. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (571) 272-3748. The examiner can normally be reached from 7:00 to 3:00 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (571) 272-3749. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

May 15, 2006

  
Albert W. Paladini  
Primary Examiner  
Art Unit 2125